

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2019

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.15316 of 2019

1.P.Loganathan

2.L.Ramesh

3.L.Suresh

.. Petitioners

-VS-

1.The Deputy Superintendent of Police,
Sankari,
Salem District.

2.State Rep. By
The Inspector of Police,
Magudanchavady Police Station,
Salem District.

.. Respondents

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the respondents, not to harass these petitioners in the guise of enquiry.

For Petitioner : Mr.R.Marudhachalamurthy

For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the respondents, not to harass these petitioners in the guise of enquiry.

2. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the respondent.

3. The learned Additional Public Prosecutor appearing for the respondent police submits that on the complaint given by the defacto complainant against the petitioners, petition enquiry is pending in CSR.No.324 of 2019 on the file of the respondent police.

4. The petitioners are directed to co-operate with the police for enquiry and at the time of conducting the enquiry, the petitioners shall not be harassed by the police. The police cannot call the petitioners on a regular basis in the guise of enquiry without even registering an FIR and Supreme Court of India in **Lalitha Kumari Vs. Government of Uttar Pradesh** reported in **2013 (6) CTC 353** has enumerated the nature of cases where preliminary enquiry can be conducted and has also restricted the period, for which preliminary enquiry can be conducted. During the course of enquiry, if any cognizable offence is made out, third respondent is free to register an FIR and this order shall not be a shield for the petitioners against the respondent proceeding to take action in accordance with law.

5. With the above directions, the Criminal Original Petition is closed.

21.06.2019

Index : Yes/No

Internet : Yes/No

kal

To

1. The Deputy Superintendent of Police,
Sankari,
Salem District.

2. State Rep. By
The Inspector of Police,
Magudanchavady Police Station,
Salem District.

3. The Public Prosecutor,
Madras High Court,
Chennai.

WEB COPY

N.ANAND VENKATESH,J.

kal



CRL.O.P.No.15316 of 2019

WEB COPY

21.06.2019